



MICHIGAN INDIGENT DEFENSE COMMISSION

Michigan Indigent Defense Commission Meeting Minutes
200 N. Washington Square, Lower Level
Lansing, MI 48933
March 26, 2018
Time: 10:00 AM
Special Meeting

Commission Members Present

Michael Puerner, Chair, Judge Thomas Boyd, Thomas Clement (non-voting member), Judge Jeffrey Collins, Judge James Fisher (joined at 11:15 am), Joseph Haveman, Derek King, Kristina Robinson, David Schuringa, John Shea, and Gary Walker

Participating via Telephone

Nancy Diehl, Frank Eaman, Brandy Robinson and William Swor (joined at 12:15 pm)

Commission Members Absent

Tom McMillin

Members of the Public Present Included:

Malcolm Brown, Peter Cunningham, Matthew Erickson, Meghann Keit, Elliott Nelson, John Nizol, Mary Swanson and Shelli Weisberg

Staff Members Present

Loren Khogali, Christopher Dennie, Tanya Grillo (via telephone), Barbara Klimaszewski, Rebecca Mack, Marla McCowan, Kelly McDoniel, Christopher Sadler, Jonah Siegel, Kristen Staley, and Marcela Westrate

Chair Puerner called the Michigan Indigent Defense Commission (“MIDC” or “the Commission”) meeting to order at 10:00 am.

Public Comment

Members of the public were invited to introduce themselves to the Commission. No members of the public wished to comment.

Additions to the Agenda

There were no additions to the agenda. Mr. Shea moved that the agenda be approved. Mr. Walker seconded the motion. The motion carried.

Consent Agenda

Mr. King moved that the minutes be amended by modifying the roll call section to reflect that Mr. Walker participated via telephone and not in person and that the minutes then be approved as amended. Dr. Schuringa seconded the motion. The motion carried.

Executive Director Report

Ms. Khogali gave an overview of her activities in her first month as Executive Director. She has held a number of meetings with staff members from various departments at the Department of Licensing and Regulatory Affairs (LARA).

She updated the Commission on her legislative activities. In February, she and Chair Puerner presented to the House Appropriations Subcommittee on Licensing and Regulatory Affairs. In March, Ms. Khogali presented to the Senate Appropriations Subcommittee on Licensing and Regulatory Affairs. She has held follow-up meetings with legislators on the Governor's Executive Recommendation and updated them on the Commission's work and approval process.

Ms. Khogali is currently working with LARA to finalize payment on the first group of planning costs for approved plans. The Wayne County funding that the Commission authorized in February must go in front of the State Administrative Board for its approval. Wayne County has a draft of the contract so that county can begin its administrative processes.

Consideration of Compliance Plans

Ms. McCowan gave the Commission an update on the compliance plan approval process thus far.

The three committees met and considered plans referred by staff for committee review.

The construction spending/cost allocation committee chaired by Ms. Diehl held a conference call on March 22 and considered the following plans:

- Ionia County
- Kalkaska County
- Kent County (17th Circuit and 63rd District Courts)
- Macomb County (16th Circuit and 42nd District Courts)

The ancillary spending committee chaired by Dr. Schuringa held a conference call on March 22 and considered the following plans:

- 31st District Court – Hamtramck
- 41-a-2 District Court – Utica, Macomb, Shelby
- 41-b District Court – Mt. Clemens, Harrison, Clinton
- 46th District Court – Southfield
- Bay County
- Clare and Gladwin Counties
- Eaton County

- Genesee County
- Gratiot County
- Hillsdale County
- Iron County
- Jackson County
- Kalkaska County
- 17th Circuit Court – Kent
- Kent County District Courts (D59-1, D 59-2, D 61, D 62a, D 62b)
- Leelanau County
- Macomb County
- Newaygo and Oceana Counties
- Osceola County
- St. Clair County
- Tuscola County

The committee for plans seeking grant funding over \$1 million held a conference call on March 23 and considered the following plans:

- Macomb County 16th Circuit and 42nd District Courts
- Genesee County
- Jackson County

Failure to Re-Submit Plans

Ms. McCowan gave the Commission an overview of staff's progress with each of the systems in this section. MIDC staff recommends that the failure to re-submit a plan count as a disapproval of the plan for the following systems:

- 34th District Court – Romulus
- 38th District Court – Eastpointe
- 40th District Court – St. Clair Shores

Mr. Shea moved that the staff recommendation be adopted, and the failure of the three systems listed above to re-submit plans be considered a disapproval. Mr. Haveman seconded the motion. The motion carried.

Compliance Plans with Prosecutor Costs

Oakland County (6th Circuit and 52nd District Courts) re-submitted its plan and included prosecutor costs. The staff recommendation is that both the plan and the cost analysis be disapproved.

Judge Boyd moved that the staff recommendation be adopted and that Oakland County's plan and cost analysis be disapproved. Mr. Shea seconded the motion. The motion carried.

Disapprove the cost analyses (the plans were approved at an earlier Commission meeting)

Ms. McCowan gave the Commission an overview of each of the plans in the section. MIDC staff recommends that the Commission disapprove the cost analyses for the plans re-submitted by the following systems:

- Kalkaska county
- Kent County – 17th Circuit Court
- 63rd District Court – Kent County

Mr. Shea moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be disapproved. Judge Collins seconded the motion. The motion carried.

Approve the plans and approve the cost analyses

Ms. McCowan gave the Commission an overview of the following plans:

- Macomb County 16th Circuit Court and 42nd District Court
- St. Clair County
- Iosco County
- Midland County
- Osceola County
- Wexford and Missaukee Counties
- Eaton County
- Jackson County
- Shiawassee County
- Grosse Pointe Woods Municipal Court

MIDC staff recommends that the Commission approve both the plans and the cost analyses re-submitted by the systems listed above.

Mr. Shea moved that the staff recommendation be adopted and that the re-submitted plans and cost analyses from the systems listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission recessed at 11:45 am and resumed its meeting at 12:15 pm.

Approve the cost analyses

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- 41 a 2 District Court Shelby Township
- 41 b District Court – Clinton Township
- 44th District Court – Royal Oak
- 45th District Court – Oak Park
- 46th District Court – Southfield

Ms. McCowan and Ms. Grillo gave the Commission an overview of the plans for these systems. MIDC staff recommends that the re-submitted cost analyses for the systems listed above be approved (the plans were approved at a previous Commission meeting).

After discussion, Mr. Haveman moved that the staff recommendation be adopted and that the cost analyses for the plans listed above be approved. Dr. Schuringa seconded the motion. The motion carried.

The Commission moved to consideration of the re-submitted cost analyses for the following systems:

- Arenac County
- Bay County
- Clare and Gladwin Counties
- Lake County
- Mason County
- Newaygo and Oceana Counties
- Sanilac County
- Tuscola County

Ms. McCowan and Ms. Klimaszewski gave the Commission an overview of the re-submitted cost analyses for these plans. MIDC staff recommends that the cost analyses re-submitted by these systems be approved.

After discussion, Mr. Swor moved that the staff recommendation be adopted and the cost analyses for the eight systems listed above be approved. Mr. Shea seconded the motion. The motion carried.

The Commission moved to consider the cost analysis resubmitted by Marquette County. Ms. McCowan gave the Commission an overview of the cost analysis. After discussion, Judge Fisher moved that the Commission adopt the MIDC staff recommendation and approve the re-submitted cost analysis. Mr. Swor seconded the motion. The motion carried, Mr. Walker recusing himself from the vote.

The Commission considered the following plans:

- Crawford County
- Iron County
- Leelanau County
- Ontonagon County
- Otsego County
- Presque Isle County
- Schoolcraft County

Ms. McCowan gave the Commission an overview of the re-submitted cost analyses. The MIDC staff recommends that the re-submitted cost analyses for the seven plans listed above be approved.

After discussion, Mr. Shea moved to adopt the staff recommendation and approve the cost analyses for the seven systems listed above. Judge Collins seconded the motion. The motion carried.

The Commission began discussing the following plans:

- Clinton County
- Gratiot County
- Genesee County
- Hillsdale County

Ms. McCowan and Ms. Staley gave the Commission an overview of these re-submitted cost analyses. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Fisher moved that the staff recommendation be adopted and the cost analyses for the four plans listed above be approved. Mr. King seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- 31st District Court Hamtramck
- 33rd District Court – Trenton
- Grosse Pointe Farms and Shores Municipal Court
- Grosse Pointe City Municipal Court

Ms. McCowan and Ms. McDoniel gave the Commission an overview of the re-submitted cost analyses for the four plans listed above. The MIDC staff recommends that the cost analyses be approved.

After discussion, Judge Collins moved that the staff recommendation be adopted and the re-submitted cost analyses for the four systems listed above be approved. Judge Boyd seconded the motion. The motion carried.

The Commission began discussing the re-submitted cost analyses for the following systems:

- Barry County
- 59-1 District Court – Grandville
- 59-2 District Court – Walker
- 61st District Court – Grand Rapids
- 62a District Court - Wyoming
- 62b District Court – Kentwood
- Ionia County
- St. Joseph County

Ms. McCowan and Mr. Dennie gave the Commission an overview of the re-submitted cost analyses for the eight plans listed above. The MIDC staff recommends that these cost analyses be approved.

After discussion, Mr. Shea moved that the staff recommendation be adopted and the re-submitted cost analyses for the eight systems listed above be approved. Mr. Swor seconded the motion. The motion carried. Judge Fisher abstained from the vote with respect to the 61st District Court's resubmitted cost analysis.

The next Commission meeting will be April 17. The Commission will consider the remaining resubmissions at this meeting.

Mr. Swor moved that the meeting be adjourned. Mr. Shea seconded the motion. The motion carried.

The meeting adjourned at 2:06 pm.

Respectfully submitted,

Marcela Westrate